

Remarks

The claims were amended in accordance with the amendments above. The amendments to the claims are being made merely to clarify the invention. All of the amendments are fully supported by the specification, claims, and figures as originally filed. No new matter is believed or intended to be involved.

§112 Rejection

In the Office Action dated 03/04/2007, claims 71, 73, and 74 were rejected under 35 U.S.C. §112 as failing to comply with the written description requirement. The Office stated that claims 71, 73, and 74 contained subject matter not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Without admitting the propriety of the rejection, claims 73 and 74 have been canceled. Claim 71 has been amended to state that the kiosk has built-in heating and air conditioning. This is clearly supported in the original specification at p. 29, ll. 15-16. The Office cannot now sustain a position that claim that claim 71 lacks §112 written description support. Accordingly, Applicant respectfully requests that the §112 rejections be withdrawn.

§103 Rejections

Claims 39-47, 51, 65-69, and 75-76 were rejected under 35 U.S.C. §103(a) as being obvious over Assisi (U.S. 5,696,488) in view of Bexten (U.S. 6,205,133), Evans III (U.S. 5,732,231), and Pearlson (U.S. 5,271,669). Claim 71 was rejected under 35 U.S.C. §103(a) as being obvious over Assisi in view of Bexten, Evans III, Pearlson, and Chandler, Jr., et al. (U.S. 4,835,983). Claim 73 was rejected under 35 U.S.C. §103(a) as being obvious over Assisi in view of Bexten, Evans III, Pearlson, and McCarty et al. (U.S. 5,946,660). Claim 74 was rejected under 35 U.S.C. §103(a) as being obvious over Assisi in view of Bexten, Evans III, Pearlson, and Eisler (U.S. 4,150,551).

Under MPEP 2143.03, in order to establish a *prima facie* case of obviousness, the Office must give due consideration to all of the limitations of a claim. The Office must also sufficiently establish a motivation to combine or modify the teachings of the prior art in order to reach a

claimed invention in accordance with MPEP 2143.01. Obviousness rejections “cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *KSR International Co. v. Teleflex Inc.*, 82 USPQ2d 1385, 1395-97 (2007) (quoting *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006)). For at least the reasons set forth below, Applicant respectfully submits that the combined art of record fails to render any of the present claims obvious.

Applicant submits that the art of record fails to teach or suggest all of the limitations recited in each independent claim in accordance with MPEP 2143.03. For instance, Applicant notes that amended independent claim 39 includes limitations relating to “at least one template for presenting the biographical information.” These limitations, among others recited in amended claim 39, are neither taught nor suggested by the combined art of record. To the extent that the Office disagrees, the Office is requested to cite specific portions of the prior art that purport to teach such limitations, so that the Applicant will have a full and fair opportunity to respond.

Amended claim 39 also recites the use of a computer readable medium that resides at a centralized office remote from the cemetery. Furthermore, a kiosk in a mausoleum (which is in the cemetery) is in communication with the computer readable medium that resides at the centralized office remote from the cemetery, via a network. This kiosk is operable to render a multimedia presentation of biographical information relating to the deceased person. In addition, the kiosk has one or more security sensors. Nowhere does the combined art of record teach, suggest, or motivate such a combination. Indeed, where does the combined art of record teach or suggest anything in a mausoleum that is in communication with a computer readable medium that is remote from the cemetery as recited in amended claim 39? Where does the combined art or record teach, suggest, or motivate anything in a mausoleum that is operable to render a multimedia presentation of biographical information relating to a deceased person as recited in amended claim 39?

The Office has apparently attempted to equate or analogize a cemetery office and funeral parlor with a mausoleum. Applicant submits that no person of ordinary skill in the art, particularly in this field of endeavor, would equate or analogize these places. Indeed, a cemetery office/funeral parlor and a mausoleum are completely different things – the former are places

where business is conducted while the latter is a place where deceased persons are entombed. (see, e.g., various definitions for “mausoleum” on [www.dictionary.com](http://www.dictionary.com)). Thus, to the extent that the prior art teaches kiosks in funeral parlors or cemetery offices, this does not automatically translate into or motivate a kiosk in a mausoleum as suggested by the Office. One of ordinary skill in the art would view a mausoleum as a much more sacred place than a cemetery office or funeral parlor, such that placing a networked kiosk in the mausoleum would be counterintuitive (and therefore non-obvious) compared to placing one in a place of business such as a cemetery office or funeral parlor. The significance of this distinction is that amended claim 39 explicitly recites putting the kiosk in the mausoleum. The Office has continued to fail to cite any teaching in the combined art of record of a kiosk located in a mausoleum, let alone a kiosk that has all of the features recited in amended claim 39.

The single teaching of a mausoleum that the Office has cited is FIG. 4 of the Boggio reference. Far from teaching anything within the mausoleum as recited in amended claim 39, Boggio simply teaches an audio system attached to the door of the mausoleum (see col. 6, ll. 11-31 of Boggio). Thus, there continues to be no teaching or suggestion anywhere in the combined art of record of a kiosk within a mausoleum as recited in amended claim 39, let alone a kiosk with all of the features recited in amended claim 39.

For at least the foregoing reasons, Applicant submits that the combined art of record fails to teach or suggest all of the limitations of amended claim 39 in accordance with MPEP 2143.03. Accordingly, Applicant respectfully submits that the combined art of record fails to render present claim 39 obvious in accordance with MPEP 2143, and respectfully requests that the rejection be withdrawn.

Amended independent claim 75 recites a computer readable medium that resides at a centralized office remote from a cemetery. Furthermore, a kiosk in a mausoleum (which is in the cemetery) is in communication with the computer readable medium that resides at the centralized office separate from the cemetery, via a network. This kiosk is operable to render a multimedia presentation of biographical information relating to the deceased person. Thus, amended claim 75 is patentable over the combined art of record for reasons similar to those given above for amended claim 39.

Amended independent claim 75 also recites the kiosk in the mausoleum permitting visitors of the mausoleum to access biological information relating to a plurality of deceased persons via the Internet. The combined art of record fails to teach or suggest anything in a mausoleum that is connected to the Internet, let alone a kiosk that has the features recited in amended claim 75.

For at least the foregoing reasons, Applicant submits that the combined art of record fails to teach or suggest all of the limitations of amended claim 75 in accordance with MPEP 2143.03. Accordingly, Applicant respectfully submits that the combined art of record fails to render present claim 75 obvious in accordance with MPEP 2143, and respectfully requests that the rejection be withdrawn.

Amended independent claim 76 recites at least part of a computer readable medium that is located at a centralized office separate from a cemetery. Furthermore, a kiosk in a mausoleum (which is in the cemetery) is in communication with the computer readable medium that is located at the centralized office separate from the cemetery, via a network. This kiosk is operable to render a multimedia presentation of biographical information relating to the deceased person. Thus, amended claim 76 is patentable over the combined art of record for reasons similar to those given above for amended claims 39 and 75.

For at least the foregoing reasons, Applicant submits that the combined art of record fails to teach or suggest all of the limitations of amended claim 76 in accordance with MPEP 2143.03. Accordingly, Applicant respectfully submits that the combined art of record fails to render present claim 76 obvious in accordance with MPEP 2143, and respectfully requests that the rejection be withdrawn.

Applicant further notes that the pending dependent claims include additional limitations not taught or suggested in the art of record, thus forming independent basis for non-obviousness.

#### Conclusion

While several distinctions have been noted over the art of record, Applicant notes that there are several other limitations recited in the present claims which are neither taught nor suggested by the art of record. Applicant expressly reserves all rights and arguments with

respect to distinctions not explicitly noted herein. In addition, to the extent that the amendments constitute a narrowing of the claims, such narrowing of the claims should not be construed as an admission as to the merits of the prior rejections. Indeed, Applicant traverses the rejections and preserves all rights and arguments. To the extent that any particular statement or argument by the Office in the pending Office Action has not been explicitly addressed herein, the same should not be construed as an acquiescence or admission by the Applicant that such statements or arguments by the Office are accurate or proper.

Based on the foregoing, all pending claims are in a condition for allowance. Accordingly, Applicant respectfully requests reconsideration and an early notice of allowance. Should the Examiner wish to discuss the amendments or arguments made herein, Applicant invites the Examiner to contact the undersigned at (513)369-4811 or via e-mail at [aulmer@fbtlaw.com](mailto:aulmer@fbtlaw.com).

The Commissioner for Patents is hereby authorized to charge any deficiency or credit any overpayment of fees to Frost Brown Todd LLC Deposit Account No. 06-2226.

Respectfully Submitted,



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